



## Illinois Department of Corrections

### Administrative Directive

Number: <b>03.02.201</b>	Title: <b>Drug Testing for Applicants</b>	Effective: <b>12/1/2020</b>
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Authorized by:	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Acting Director
Supersedes:	03.02.201 effective 4/1/2018

<b>Authority:</b> 720 ILCS 550/3 and 570/100 et seq. 730 ILCS 5/3-2-2 and 5/3-7-4	<b>Related ACA Standards:</b> 5-ACI-1A-07, 10, 12 – 14 5-ACI-1C-01, 02, 16, 20, 23, 5-ACI-1D-01, 03, 11 5-ACI-2F-01, 03
<b>Referenced Policies:</b> 03.02.105, 03.02.205	<b>Referenced Forms:</b> DOC 0035 – Background Investigation Release and Consent DOC 0434 – Incident Report DOC 0529 – Applicant Testing Collection

#### **I. POLICY**

The Department shall test all applicants for the use of illegal drugs prior to employment. Any applicant, including contractual personnel, employees of contractors, interns and volunteers, found to have a positive drug finding shall not be eligible for employment or future consideration for employment by the Department.

#### **II. PROCEDURE**

##### **A. Purpose**

The purpose of this directive is to establish a written procedure for drug testing of applicants.

##### **B. Applicability**

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

##### **C. Facility Reviews**

A facility review of this directive shall be conducted at least annually. The review shall include an inspection and evaluation of laboratory testing services and procedures.

##### **D. Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### **E. Definitions**

**Applicant** – any person applying for employment with the Department. For the purposes of this directive, shall include contractual personnel, employees of contractors, interns and volunteers applying to work at correctional facilities on a regular, on-going basis.

**Collector** – medical personnel or an individual designated by the Chief Administrator or above who has been trained on collection procedures.

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Drug – those substances identified in 720 ILCS 550/3 and 570/100 et seq., including cannabis.

Medical Review Officer – a licensed physician who has knowledge of substance abuse disorders and who is qualified to interpret and evaluate an individual's confirmed positive test result.

Outer garment – for the purpose of this directive shall mean any article of clothing not identified as essential to an individual's attire and that may conceal items or substances that could be used to tamper with or adulterate the urine specimen and shall include, but not be limited to, jackets, coats, hats, etc.

#### **F. General Provisions**

1. The laboratory selected to conduct the analysis must demonstrate technical expertise and proficiency in toxicology testing and be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
2. Applicants for positions that require a commercial driver's license (CDL) and authorization to operate a commercial motor vehicle in interstate or intrastate commerce shall undergo pre-employment testing in accordance with this Administrative Directive. Once employed in this position, the employee shall be subject to subsequent testing and discipline in accordance with Administrative Directive 03.02.205.
3. Refusal to submit to a drug test, attempts to tamper with or adulterate the specimen, or positive test results that cannot be justified shall be considered a positive finding. Where a positive finding cannot be justified, applicants shall not be eligible for employment or future consideration for employment by the Department.
4. Drug testing documents and test results shall be maintained in a confidential manner.

#### **G. Applicant Testing**

1. All applicants shall be required to sign a Background Investigation Release and Consent, DOC 0035.
2. All applicants shall be required to provide a urine specimen.
3. All applicants, excluding Correctional Officer Trainee and Correctional Treatment Officer Trainee applicants, shall normally be scheduled for drug tests within 48 hours but not to exceed 72 hours after notification to report. Applicants need not be notified that the request to report is for the purpose of conducting a drug test. No prior notice shall be given to Correctional Officer Trainee or Correctional Treatment Officer Trainee applicants.
4. All applicants shall be notified that they will be denied employment and shall not be eligible for future consideration for employment for the following reasons:
  - a. Refusal to sign the DOC 0035.
  - b. Failure to appear for a scheduled drug test or failure to call the hiring facility prior to the scheduled date to reschedule another drug test except due to a verified emergency or other legitimate reason. The Department Drug Screening Coordinator shall determine if the reason to reschedule is legitimate.
  - c. Failure to provide a urine specimen within three hours unless medical documentation is

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presented, and the Medical Review Officer determines that a legitimate medical reason exists.

- d. A positive finding that cannot be justified.
5. If there is a positive finding that cannot be justified by the Medical Review Officer:
- a. The Medical Review Officer shall notify the Department Drug Screening Coordinator.
  - b. The Department Drug Screening Officer shall notify the Chief Administrator, who shall inform the applicant that his or her consideration for employment has been denied or retracted and he or she shall not be eligible for future consideration for employment by the Department.
  - c. Once the applicant has been notified, the Chief Administrator shall email the Department Drug Screening Officer confirming the notification, including date and time of notification in accordance with Administrative Directive 03.02.105.
  - d. The Department Drug Screening Officer shall send written notice that the applicant's consideration for employment has been denied or retracted and he or she shall not be eligible for future consideration for employment by the Department.

#### **H. Drug Testing Procedure**

All drug tests shall be performed by a Department approved SAMHSA certified laboratory that must screen the sample and confirm all positive samples for drugs. The above shall not preclude the use of authorized field tests for initial screening purposes.

1. The urine collection process shall be documented on the Applicant Testing Collection, DOC 0529.
2. Upon the arrival of the applicant at the collection site, the collector shall instruct him or her to present photo identification. If an applicant does not have proper identification, the collector shall instruct the applicant to return immediately with proper identification. Failure to do so shall be considered a refusal.
3. The collector shall instruct the applicant to remove any unnecessary outer garments and remove all items from his or her pockets. All personal belongings except a wallet shall remain with outer garments.
4. Specimen collection shall occur in a private setting, free of any substances that may be used to contaminate the specimen and shall be directly observed by a collector of the same gender as the applicant.
5. Applicants who are unable to provide a specimen when requested shall be given a reasonable time period, up to three hours, to provide the sample. To encourage urination, the applicant may be given up to eight ounces of water every 30 minutes, with the amount not to exceed 40 ounces. This information shall be recorded on the DOC 0529.
6. The specimen shall be given to the collector who shall examine the sample to determine that it is the appropriate color, clarity, temperature and volume.
  - a. If the sample meets the above criteria, the sample shall be immediately labeled and sealed.

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- b. If the sample does not meet the above criteria, the applicant shall be required to provide another specimen prior to leaving the specimen collection site and within the original three-hour time period provided in accordance with Paragraph II.H.5. Such action shall be documented on an Incident Report, DOC 0434.
  7. Following the giving of the specimen, the applicant shall sign a Forensic Drug Testing Custody and Control form certifying that the urine in the bottle came from his or her body at the time of collection. Refusal to sign the statement shall be noted in the remarks section on the custody and control documentation by the collector.
  8. Applicant drug test results shall normally be sent to the Department Drug Screening Coordinator within 72 hours after the test. Upon receipt of the results:
    - a. If the applicant's test results are negative, the Department Drug Screening Coordinator shall notify the respective Chief Administrator.
    - b. If the laboratory suspects the applicant's specimen to be diluted such as the result of excess water intake and an accurate test cannot be performed, the applicant shall be notified that another specimen is required.
    - c. If the applicant's test results are positive, the Medical Review Officer shall contact the applicant within 72 hours to determine if there are legitimate medical explanations for the positive result, such as the use of legally prescribed medication and over the counter medications, and to obtain a release of information when necessary.
    - d. If the Medical Review Officer determines that the positive results are due to a legitimate medical explanation, the drug test shall be reported to the Department Drug Screening Coordinator as negative and the respective Chief Administrator shall be notified in accordance with Paragraph II.H.8.a.
    - e. If the applicant's test results are positive and no alternative medical explanations were provided, the Department Drug Screening Coordinator shall notify the respective Chief Administrator that the applicant is not eligible for hire in accordance with Paragraph II.G.5.
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